

ESTTA Tracking number: **ESTTA763908**Filing date: **08/11/2016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Hasbro, Inc.		
Entity	Corporation	Citizenship	Rhode Island
Address	1027 Newport Avenue Pawtucket, RI 02862 UNITED STATES		

Attorney information	Carin G. Reynolds Reynolds Law PLLC PO Box 466 Lebanon, NH 03766 UNITED STATES creynolds@reynoldslaw.legal Phone:(802) 281-3131
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Registration Subject to Cancellation

Registration No	4439677	Registration date	11/26/2013
Registrant	Playdoh Financial Education, Inc. Suite 133 Chicago, IL 60614 UNITED STATES		

Goods/Services Subject to Cancellation


Class 041. First Use: 2011/05/27 First Use In Commerce: 2011/09/01 All goods and services in the class are cancelled, namely: Educational services, namely, providing-seminars in the field of financial security
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Grounds for Cancellation


Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)

Marks Cited by Petitioner as Basis for Cancellation


U.S. Registration No.	650035	Application Date	09/26/1955
Registration Date	08/13/1957	Foreign Priority Date	NONE
Word Mark	PLAY-DOH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1955/05/26 First Use In Commerce: 1955/09/12 PLASTIC TYPE MODELING COMPOUND FOR CHILDREN'S USE

U.S. Registration No.	1023855	Application Date	02/20/1975
Registration Date	10/28/1975	Foreign Priority Date	NONE
Word Mark	PLAY-DOH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1957/08/13 First Use In Commerce: 1957/08/13 TOYS-NAMELY, MODELING COMPOUND; MODELING COMPOUND AND APPARATUS TO WORK WITH SAID MODELING COMPOUND SOLD AS A UNIT; ANDEQUIPMENT FOR PLAYING PARLOR-TYPE AMUSEMENT GAMES		

U.S. Registration No.	2878813	Application Date	08/06/2003
Registration Date	08/31/2004	Foreign Priority Date	NONE
Word Mark	PLAY-DOH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/02/15 First Use In Commerce: 2003/02/15 toys, namely, toy modeling compounds, toy extruders, toy molds and toy apparatus to be used in connection with toy modeling compounds		

U.S. Registration No.	4769177	Application Date	04/16/2013
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Registration Date	07/07/2015	Foreign Priority Date	NONE
Word Mark	DOHVINCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2014/06/01 First Use In Commerce: 2014/06/01 Toy modeling compounds, toy molds, toy extruders for use with toy modeling compounds		

U.S. Application No.	86548051	Application Date	02/27/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAY-DOH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, the production and distribution of motion pictures, ongoing television programs in the field of children's entertainment, and animated television series in the field of children's entertainment; entertainment and educational services, namely, ongoing programs in the field of children's entertainment accessible by television, satellites, radio, audio, video, electronic media and computer networks; providing news and information in the field of education and entertainment; entertainment services, namely, providing online computer games and interactive multiplayeronline games via global networks; fan club services; entertainment services in the nature of competitions in the field of entertainment; providing online computer databases, information and websites featuring audio, visual and audiovisual entertainment in the field of education and entertainment via global computer networks; entertainment services, namely, the production of pre-recorded dvds featuring animated cartoons; providing industry information online via a global network, namely, online publications in the nature of articles and magazines on toysand games		

U.S. Application No.	86138107	Application Date	12/09/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DOHVINCI		
Design Mark			
Description of Mark	The mark consists of the term "DOHVINCI" in stylized lettering.		
Goods/Services	Class 016. First use: First Use: 0 First Use In Commerce: 0 Arts and craft modeling compound kits Class 028. First use: First Use: 0 First Use In Commerce: 0 Toy modelling and design compounds and toy accessories for use therewith		

Attachments	71695313#TMSN.png(bytes) 76534953#TMSN.png(bytes) 85905430#TMSN.png(bytes) 86548051#TMSN.png(bytes) 86138107#TMSN.png(bytes) Petition to Cancel - PLAYDOH FINANCIAL EDUCATION.pdf(278426 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Carin Reynolds/
Name	Carin G. Reynolds
Date	08/11/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No. 4439677
For the mark: PLAYDOH FINANCIAL EDUCATION, INC.
Date of Registration: November 26, 2013

HASBRO, INC.,

Petitioner,

v.

PLAYDOH FINANCIAL
EDUCATION, INC.,

Respondent

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Cancellation No. _____

PETITION TO CANCEL

Petitioner HASBRO, INC. (“Petitioner”), a Rhode Island corporation, having a place of business at 1027 Newport Avenue, Pawtucket, Rhode Island 02862, believes that it has and will continue to be damaged by Registration No. 4,439,677 for the mark “PLAYDOH Financial Education, Inc.” (“Financial Education, Inc.” disclaimed) (the “Registered Mark”), for “educational services, namely, providing seminars in the field of financial security” in International Class 41 and hereby petitions to cancel same.

As grounds for cancellation, it is alleged that:

1. Petitioner is a leading toy and game manufacturer, and has been engaged for decades in the creation, manufacture and sale of toys and games, television programming, motion pictures, and digital gaming, and runs a comprehensive licensing program.

2. One of Petitioner’s most famous marks is the PLAY-DOH trademark.

Since 1955 Petitioner and its licensees have used the PLAY-DOH mark on a variety of goods and services, including but not limited to services in International Class 41 covered by Respondent's PLAYDOH FINANCIAL EDUCATION registration.

3. In addition to common law rights, Petitioner owns the following federal trademark registrations for its PLAY-DOH mark and/or marks including the distinctive DOH formative as the dominant part thereof, including the following:

Mark	Class	Reg. No.	Goods/Services	Reg. Date:
PLAY-DOH	28	650035	plastic type modeling compound for children's use	13-Aug-1957
PLAY-DOH	28	1023855	toys, namely, modeling compound and apparatus to work with said modeling compound sold as a unit; equipmet for playing parlor-type amusement games	28-Oct-1975
PLAY-DOH & DESIGN	28	2878813	toys, namely, toy modeling compounds, toy extruders, toy molds and toy apparatus to be used in connection with toy modeling compounds	31-Aug-2004
DOHVINCI	28	4769177	toy modeling compounds, toy molds, toy extruders for use with toy modeling compounds.	07-Jul-2015

4. These registrations are valid and subsisting and constitute prima facie evidence of the validity of the marks and registrations, and of Petitioner's ownership of and exclusive right to use the marks in connection with the goods set forth in the registrations.

7. Registration Nos. 650035, 1023855 and 2878813 are incontestable pursuant to 15. U.S.C. §§ 1065 and 1115(b). Therefore, these registrations constitute conclusive evidence of the validity of the marks and registrations, and of Petitioner's exclusive right to use the marks in connection with the goods set forth in the registrations.

8. In addition to its registrations, Petitioner also owns the following pending applications for PLAY-DOH marks:

Mark	Class	App.. No.	Goods/Services	Filing Date:
PLAY-DOH	41	86548051	Entertainment services, namely, the production and distribution of motion pictures, ongoing television programs in the field of children's entertainment, and animated television series in the field of children's entertainment; providing online computer games and interactive multiplayer online games via global networks; fan club services.....providing online computer databases, information and websites featuring audio, visual and audiovisual online publications in the nature of articles and magazines on toys and games	27-Feb-2015
DOHVINCI & Design	16, 28	86138107	[16] Arts and craft modeling compound kits. [28] Toy modelling and design compounds and toy accessories for use therewith	16-Apr-2013

5. Since adoption and first use of Petitioner's PLAY-DOH trademark in 1955, Petitioner has expended and continues to expend substantial time, money and effort in

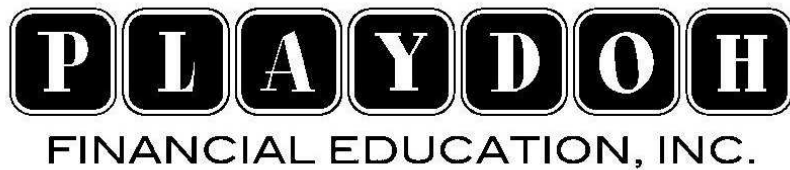
promoting its PLAY-DOH marks to identify Petitioner as the source of the goods and services displaying these trademarks. Petitioner's PLAY-DOH modeling compound was inducted into the National Toy Hall of Fame in 1998 (<http://www.toyhalloffame.org/toys/play-doh>), and the fame of the PLAY-DOH mark and products is reflected in their extensive sales. Since 1956, Petitioner has shipped over two billion cans of PLAY-DOH modeling compound. Since 2005, Petitioner and its licensees have sold in excess of 1.5 billion dollars of PLAY-DOH branded products world wide. During that same time period, Petitioner's advertising and promotional costs for PLAY-DOH products exceeded 175 million dollars.

6. By virtue of the enormous sales and advertising of products identified by Petitioner's PLAY-DOH marks, and by virtue of maintenance of its high quality standards relating thereto, purchasers of such products and services and others in the marketplace have come to recognize PLAY-DOH as an indication of origin of source with Petitioner, as a consequence of which Petitioner has established valuable good will, secondary meaning, and exclusive rights in its PLAY-DOH marks.

7. Accordingly, the PLAY-DOH trademarks have become famous under the meaning of Section 43(c) of the U.S. Trademark Act (15 U.S.C. §1125© *et seq*). They are widely recognized by the general consuming public of the United States as a designation of source of the goods and services of Petitioner. Petitioner is therefore entitled to a broad scope of protection for the marks.

8. Upon information and belief, Playdoh Financial Education, Inc. ("Respondent"), an Illinois corporation, is the current owner of the Registered Mark and has its principal place of business at Suite 600, 314 W. Superior, Chicago, Illinois 60610.

9. The Registered Mark is "PLAYDOH Financial Education, Inc." with "Financial Education, Inc." disclaimed, and presented in stylized form as shown below:



10. Respondent's "PLAYDOH Financial Education, Inc." mark creates a confusingly similar overall commercial impression to Petitioner's famous PLAY-DOH mark. The dominant portion of the mark is PLAYDOH, the same as Petitioner's famous PLAY-DOH mark. "PLAYDOH" is spelled out in large individual letters placed within blocks that resemble children's building blocks, furthering the association with Petitioner and its PLAY-DOH marks. The remaining words are descriptive and have been disclaimed. Moreover they are visually smaller and are placed below the dominant element all leading to the impression that the mark is, in fact PLAYDOH. Respondent admits as much in its application, where it states that "[t]he *mark* consists of the word "PLAYDOH" with each of the individual letters in a square box background" and that "[b]elow "PLAYDOH," the *words* FINANCIAL EDUCATION, INC." are listed" (emphasis added).

11. Respondent's services fall within the same class of services as those provided by Petitioner and/or its licensees under its PLAY-DOH marks. Upon information and belief, Respondent's services move through the same channels of trade to the same general class of purchasers as do Petitioner's goods and services: children's toys are typically purchased by adults, who would also potentially be interested in purchasing financial education services.

12. No issue of priority exists between Petitioners PLAY-DOH marks and the Registered Mark. Respondent represented in its trademark application for the Registered Mark that it first began to use the mark in May 2011 – more than 45 years after Petitioner first used its PLAY-DOH mark.

13. Respondent's PLAYDOH Financial Education, Inc. mark so resembles Petitioner's PLAY-DOH marks that it is likely, when used on or in connection with the services of the Respondent, to cause confusion, mistake and/or deception as to the source and or/origin of Respondent's services, thereby irreparably damaging Petitioner and Petitioner's goodwill in its PLAY-DOH marks.

14. Customers and/or potential customers of Petitioner and/or its licensees will assume or are likely to assume that there is some connection between Petitioner and Respondent, or that Respondent's services are furnished by Petitioner. As a direct consequence, potential customers of Petitioner and/or its licensee(s) will purchase Respondent's services erroneously believing them to be authorized, sponsored, licensed or otherwise connected with Petitioner. In the event that Respondent's services should prove unsatisfactory, Petitioner's goodwill associated with its products and services and PLAY-DOH marks will suffer correspondingly, thereby irreparably damaging Petitioner and Petitioner's goodwill in its PLAY-DOH marks.

15. On information and belief, Respondent is not using the PLAYDOH Financial Education, Inc. mark and has no intent to resume use. The website connected to the email address of Respondent and to the specimen of use submitted by Respondent in connection with the Application is no longer active. Attempts to contact Respondent at its email of record went unanswered. Respondent's domain name – www.playdohfinance.org – is no longer active or even registered to Respondent and is available for others to register and use. A Google search yields no results for an active organization.

COUNT I
Likelihood of Confusion
15 U.S.C. § 1052(d)

16. Petitioner realleges and incorporates by reference the proceeding allegations of its Petition to Cancel.

17. Respondent's PLAYDOH Financial Education, Inc. mark so resembles Petitioner's prior used and registered PLAY-DOH mark as to be likely, when used in connection with the services set for in the Registration to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II
Likelihood of Dilution
15 U.S.C. § 1125(c)

18. Petitioner realleges and incorporates by reference the proceeding allegations of its Petition to Cancel.

19. Petitioner's PLAY-DOH marks became distinctive and famous under 15 U.S.C. § 1125(c) long prior to Respondent's alleged date of first use of its PLAYDOH Financial Education, Inc. mark.

20. Respondent's use of the mark PLAYDOH Financial Education, Inc. in connection with the services set forth in the Registration is likely to cause dilution of Petitioner's famous PLAY-DOH marks by blurring under section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

COUNT III
Abandonment Due to Nonuse

18. Petitioner realleges and incorporates by reference the proceeding allegations of its Petition to Cancel.

19. Respondent's failure to use the Registered Mark without an intent to resume use constitutes abandonment and the Registration should be cancelled for non-use.

WHEREFORE, Petitioner requests that this Petition for Cancellation be sustained, and that Registration No. 4439677 for the PLAYDOH Financial Education, Inc. be cancelled..

The filing fee in the amount of \$300 is being transmitted electronically with this submission.

DATED: August 11, 2016

Respectfully Submitted,

REYNOLDS LAW PLLC

By: /Carin G. Reynolds/
Carin G. Reynolds
PO Box 466
Lebanon, NH 03877
Telephone: (802) 281-3131

Attorney for Petitioner
HASBRO, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION TO CANCEL has been served on Registrant Playdoh Financial Education, Inc. by mailing said copy on August 11, 2016 via First Class Mail, postage prepaid to the following address of record:

Playdoh Financial Education, Inc.
Suite 133
858 W. Armitage Avenue
Chicago, IL 60614

A handwritten signature in blue ink, appearing to read "Carin G. Reynolds", is displayed within a light blue rectangular box.

Carin G. Reynolds